

1 THE HONORABLE RONALD B. LEIGHTON
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11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON
13 AT TACOMA
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16 ROY W. AND E. MARIE PETTIE,
17 individually and on behalf of others similarly
situated,

18 Plaintiffs,

19 v.

20 SAXON MORTGAGE SERVICES, a
21 corporation, WELLS FARGO (Master
22 Servicer), FIRST HORIZON HOME LOAN
23 CORPORATION, GERALD L. BAKER,
24 FEDERAL RESERVE BANK, JANET L.
25 YELLEN, and JOHN AND JANE DOES (1-
25),

Defendants.

NO. C08-5089 RBL

ORDER GRANTING CERTAIN
DEFENDANTS' MOTION TO DISMISS

26 This matter is before the Court a motion to dismiss, Fed. R. Civ. P. 12(b)(6). [Dkt. #5] The motion
27 is brought by Defendants Federal Reserve Bank, Janet L. Yellen (the bank's president), and John Does 1-25's
28 (bank employees) (collectively the "Federal Reserve Defendants"). For the reasons set forth below, the Court
grants the motion.

Plaintiffs Roy and Marie Pettie ("Plaintiffs") are homeowners and residents of Pierce County,
Washington. [Complaint, Dkt. #1-2, pp. 3-4] They commenced this action in Pierce County Superior Court
on January 22, 2008, and shortly thereafter moved the Superior Court to enjoin the pending foreclosure of their
residence.¹ [Motion for Temporary and Permanent Injunction, Dkt. 1-2, pp. 22-38] Generally, Plaintiffs alleged

¹ The case was removed from Superior Court before the motion was heard, and it is not currently before this Court for consideration. If Plaintiffs wish to have their request for an injunction entertained, they (continued...)

1 that their mortgage providers violated the Truth in Lending Act ("TILA"), 15 U.S.C. § 1601, *et seq.*
2 [Complaint, Dkt. #1-2, pp. 3-4] Additionally, Plaintiffs allege violations of the Racketeer Influenced and
3 Corrupt Organization Act ("RICO"), the Home Ownership Equity Protection Act ("HOEPA"), and the Fair
4 Debt Collection Practices Act ("FDCPA"); they also include common law causes of action for breach of
5 contract, usury, and lack of good faith. [Complaint, Dkt. #1-2, pp. 11-18]

6 While not entirely clear from the face of Plaintiffs' Complaint, it appears that only two of their claims
7 lie against the Federal Reserve Defendants. Those defendants removed the case to U.S. District Court; they
8 now argue that, in any event, Plaintiffs have failed to state any claim against them upon which relief could be
9 granted, and they move the Court to dismiss them accordingly. Plaintiffs have not filed a response, which may
10 be considered by the Court as a tacit admission that the Federal Reserve Defendants' Motion is meritorious.
11 See Local Rule W.D. Wash. 7(b)(2). Plaintiffs' subsequent request for leave to amend their complaint to
12 remove all defendants currently seeking dismissal heightens this suspicion.²

13 Therefore, it is hereby ORDERED that the Federal Reserve Defendants' Motion to Dismiss [Dkt. #5]
14 is GRANTED. Defendants FEDERAL RESERVE BANK, JANET L. YELLEN, and JOHN AND JANE
15 DOES (1-25), are DISMISSED, without prejudice.

16 DATED this 15th day of April, 2008.

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18 Ronald B. Leighton
19 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

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26 ¹(...continued)

27 should re-file the motion in accordance with Local Rule W.D. Wash. 7 (available online at
[http://www.wawd.uscourts.gov/Reference Materials/CivilRules.htm](http://www.wawd.uscourts.gov/Reference%20Materials/CivilRules.htm)).

28 ² They also seek leave to add another defendant. That motion [Dkt. #6] is noted for consideration on
April 28, 2008, and will be addressed by the Court in due time.